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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,930	04/19/2000	Kyle Lemons	CITI0143	2950

27510 7590 12/31/2003

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EXAMINER	
POLLACK, MELVIN H	
ART UNIT	**PAPER NUMBER**
2141	

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/551,930	LEMONS ET AL.	
	Examiner	Art Unit	
	Melvin H Pollack	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 April 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-80* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-80* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 April 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *see attached office action.*

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 60-63 and 71-74 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: "network further comprises memory." Only a node may further comprise memory, as the network itself cannot. The applicant must amend the claims to specify if the memory belongs in a node (server or client), in a system management system, or in a separate storage node. Likewise, the location of the database and of a database processor should also be specified. As for claims 63 and 74, the application states "a request to...management system" but does not state where the request comes from. The applicant should amend this claim as well.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9, 15-24, 30-38, 45-52, 59-80 are rejected under 35 U.S.C. 102(e) as being anticipated by Ditmer et al. (6,473,407).

5. For claim 1, Ditmer teaches a platform-independent (col. 2, line 54) method (see abstract) for managing exceptions (col. 1, lines 20-25) in at least one communications network (Fig. 2) having a plurality of nodes interconnected with communication lines (Fig. 5), comprising:

a. Remotely accessing at least one communications network having a plurality of nodes interconnected with communication lines (col. 6, lines 10-20, esp. 16-18);

b. Remotely storing exception data (Fig. 6; col. 14, lines 5-20; col. 16, lines 5-15);

c. Remotely prioritizing said exception data (col. 17, lines 10-45; "level # severity alarms" coupled with different classes of alarms);

d. Remotely monitoring said exception data (col. 13, lines 40-50);

e. Remotely transmitting a corrective response to a destination node, wherein said corrective response is identified by a destination node command (col. 18, lines 40-60); and

f. Remotely monitoring said destination node command associated with said destination node to determine a status of said corrective response (col. 18, lines 55-60).

6. For claim 2, Ditmer teaches that an exceptions commands log may be remotely constructed, administered, and printed (col. 3, 45-51).

7. For claim 3, Ditmer teaches remotely constructing a report, wherein said report is a trouble ticket associated with said exception data (col. 14, lines 5-20).

8. For claim 4, Ditmer teaches that the trouble ticket further comprises said destination node command associated with said exception data (col. 14, lines 5-20).

9. For claim 5, Ditmer teaches that the trouble ticket may be remotely stored, administered, and printed (col. 13, lines 25-40).

10. For claim 6, Ditmer teaches remotely administering exception data and destination node command data (col. 13, lines 15-25).

11. For claim 7, Ditmer teaches that exception data further comprises identification of at least one destination node categorized by at least one of the following parameters for said destination node: node filtering, device filtering, message filtering and audible alert filtering (Fig. 10a).

12. For claims 8 and 9, Ditmer teaches that said nodes further comprise a plurality of delivery system nodes (Fig. 2, DMZ nodes, i.e. web servers), which the instant application defines as a type of secondary system node (App P. 2, lines 12-13).

13. For claim 15, Ditner teaches remotely providing a help mechanism to a user (col. 16, lines 8-21).

14. Claims 16-24 and 30 are drawn to a hardware system that implements the method drawn in claims 1-9 and 15, respectively. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 1-9 and 15 are rejected, claims 16-24 and 30 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

15. For claim 31, Ditmer teaches a method (see abstract) for detecting, isolating, categorizing, and resolving exceptions within network nodes (col. 3, lines 20-50), comprising:

a. Displaying a user module for viewing, selecting, inputting, and transmitting a request from a user to a network exception-based system management system (col. 15, lines 50-65; col. 16, lines 5-21);

b. Accepting said request upon submission by said user (col. 16, lines 60-65);

c. Transmitting exception data associated with a destination node from said request to said exception-based system management system (Fig. 6, #635);

d. Translating said exception data into a corrective action work request (col. 24, lines 8-20);

e. Processing said corrective action work request (col. 18, lines 40-60);

f. Storing results from said corrective action work request (col. 21, lines 45-50); and

g. Sending said results to be displayed by said user interface (col. 21, lines 45-50).

16. For claim 32, administering and managing said exception data associated with said destination node (col. 13, lines 15-25).

17. For claim 33, administering and managing said results associated with said destination node (col. 13, lines 15-25).

18. For claim 34, corrective action work request comprises an on-line request (Fig. 6, 630 to 635, User Requests) to monitor at least one of said destination nodes in real-time (col. 19, lines 40-42).

19. For claim 35, corrective action work request further comprises a destination node command to initiate a corrective response to at least one of said destination nodes in real-time (col. 19, lines 40-42).

20. For claim 36, Ditmer teaches that the user interface (col. 16, lines 10-20 and 45-50) comprises at least one of the following user modules selected from a group of user modules comprising: login (col. 15, 7-9), administration (col. 16, lines 5-15), branch (col. 17, line 60 – col. 18, line 16), detail (col. 17, lines 50-60), exception (col. 18, lines 30-35), command (col. 14,

line 65 – col. 15, line 5), ticket (col. 20, lines 60-67), ticket browser (col. 17, lines 35-45), and status modules (col. 18, lines 15-30).

21. Claims 37 and 38 are drawn to the limitations in claims 8 and 9. Therefore, since claims 8 and 9 are rejected, claims 37 and 38 are also rejected for the reasons above.

22. Claims 45-52 are drawn to a hardware system that implements the method drawn in claims 31-38. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 31-38 are rejected, claims 45-52 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

23. For claim 59, Ditmer teaches a platform-independent (col. 2, line 54) system (abstract) for managing exceptions (col. 1, lines 20-25) in at least one communications network (Fig. 2) having a plurality of nodes interconnected with communication lines (Fig. 5), comprising:

g. A network exception-based system management system coupled to at least one communications network having a plurality of nodes (col. 6, lines 16-18);

h. An applet that is sent with a web page to said network exception-based system management system (col. 5, line 60 – col. 6, line 5; col. 13, lines 55-65); and

i. A plurality (col. 2, lines 30-35; to fulfill this, the plurality of clients is inherent) of client terminals (Fig. 2, 20), coupled to said applet via said communications network (Fig. 2 and 5), for user interaction with said network exception-based system management system (Fig. 6, #620).

24. For claims 60 and 61, Ditmer teaches that said communications network further comprises at least one database stored in memory on the communications network (Fig. 8, 650).

25. For claim 62, Ditmer teaches that said communications network further comprises at least one database processor (Fig. 8, #108) capable of processing data contained in said database (Fig. 9, #508).

26. For claim 63, further comprising a request to said network exception-based system management system (Fig. 6, User Request).

27. For claim 64, request is communicated to said network exception-based system management system by said user interaction (Fig. 6, User Request).

28. For claim 65, request comprises a pre-formatted user module (Fig. 10).

29. Claim 66 is drawn to the limitations in claim 36. Therefore, since claim 36 is rejected, claim 66 is also rejected for the reasons above.

30. For claim 67, Ditmer teaches that the pre-formatted user module is communicated by said applet by said network exception-based system management system to one of an Internet (col. 2, lines 13-15 and 44-60; col. 5, lines 60-65), an intranet (col. 6, lines 5-20; col. 7, lines 55-67), or an extranet (col. 10, lines 35-55; the connection of an intranet (LAN) and internet makes the existence of an extranet (WAN/MAN) inherent). Further, it is inherent that a data communications network can be an Internet, intranet or extranet, and the examiner is unaware of a data network that cannot be described with one of those labels.

31. Claims 68 and 69 are drawn to the limitations in claims 34 and 35, respectively. Therefore, since claims 34 and 35 are rejected, claims 68 and 69 are also rejected for the reasons above.

32. Claim 70 is drawn to the limitations in claim 59, but adds that the applet is an application, which Ditmer also teaches (col. 5, lines 30-35). Therefore, since claim 59 is rejected, claim 70 is also rejected for the reasons above.

33. Claims 71-77 are drawn to the limitations in claims 60-66. Therefore, since claims 60-66 are rejected, claims 71-77 are also rejected for the reasons above.

34. Claims 78-80 are drawn to the limitations in claims 67-69. Therefore, since claims 67-69 are rejected, claims 78-80 are also rejected for the reasons above.

Claim Rejections - 35 USC § 103

35. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

36. Claims 10-14, 25-29, 39-44, 53-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ditmer as applied to claims 1-9, 15-24, 30-38, 45-52, 59-80 above.

37. For claims 10-14, Ditmer does not expressly disclose that the nodes comprise automated teller machines, bank servers, communication servers and financial servers, nor does Ditmer expressly disclose that the communications network is a financial institution's communications network. Instead, Ditmer is drawn to a generic network with sets of clients and servers of various types, for which it is clear that it could be ported to a wide variety of specific networks. Examiner takes Official Notice (see MPEP § 2144.03) that "the financial network" in a computer networking environment was well known in the art at the time the invention was made. Further, in each of these cases, the precise type of node or network does not provide any particular

limitations over any other type of node or network. Further, the activities of a financial server are not expressly different from a generic content server in any way such that it would modify the activities of the invention's processes as currently drawn, and thus the financial network is equivalent to a generic network such as a telephone or cable system. Indeed, the application does not differentiate between the various types of networks (see background of the invention). Therefore, the examiner considers that the type of node and/or network is a design choice. At the time the invention was made, one of ordinary skill in the art would have converted Ditmer's generic network to a financial network in order to use the network in a well-known environment. As a result, these claims are rejected for the reasons above. To overcome this rejection, the applicant must show either that converting the Ditmer network to a financial network environment would be a heavy burden such that the switch would be non-obvious, or that the invention is drawn to a financial network for a specific reason, i.e. that the invention handles financial exceptions that are different – and handled differently - from technical or other types of exceptions.

38. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also In re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

39. Claims 25-29 are drawn to a hardware system that implements the method drawn in claims 10-14. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 10-14 are rejected, claims 25-29 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

40. Claims 39-44 are drawn to the limitations in claims 10-15. Therefore, since claims 10-15 are rejected, claims 39-44 are also rejected for the reasons above.

41. Claims 53-58 are drawn to a hardware system that implements the method drawn in claims 39-44. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 39-44 are rejected, claims 53-58 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

Conclusion

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H Pollack whose telephone number is (703) 305-4641. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

MHP
18 December 2003

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER